

# EXHIBIT 1

1 VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF  
2 CHARLOTTESVILLE

3  
4 COMMONWEALTH OF VIRGINIA,  
5 Plaintiff,

6 v.

7  
8 JAMES ALEX FIELDS,  
9 Defendant.

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COURT PROCEEDINGS

17

Taken on

18

December 18, 2017

19

August 30, 2018

October 4, 2018

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October 9, 2018

October 29, 2018

21

November 15, 2018

November 20, 2018

November 26-30, 2018

22

December 3-5, 2018

23

December 10&11, 2018

24

25

1 **December 4, 2018**

2 WITNESSES

3 WITNESS - Commonwealth                      DIRECT      CROSS      REDIRECT      RECROSS

4 Detective Steve Young                      2299              2333

5 Brant Meyer                      2340              2355

6

7 WITNESS - Defense                      DIRECT      CROSS      REDIRECT      RECROSS

8 Jeremy Carper                      2380              2393

9 Tammy Shifflett                      2395              2406

10 Paul Critzer                      2407              2419              2422

11 Fred Kirschnick                      2423              2429

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1 THE COURT: Thank you very much. You still can-  
2 not talk to any of the other witnesses.

3 A Correct.

4 THE COURT: All right, thank you. Do you have  
5 one other witness you want to try to get on?

6 MR. PLATANIA: If the jury is okay with that,  
7 yes. It should not be lengthy.

8 THE COURT: Okay. I suspect they are okay with  
9 that. They're already had two or three breaks.

10 MR. PLATANIA: Brant Meyer.

11 THE COURT: Is that Brant with a B as in boy?

12 MR. PLATANIA: Yes, sir, B-r-a-n-t.

13 THE COURT: All right. Mr. Meyer, would you  
14 pause and raise your right hand and face the clerk to be  
15 sworn in.

16 (The witness was sworn at this time.)

17 THE CLERK: You may be seated.

18

19

20 **BRANT MEYER**, having been duly sworn testified as  
21 follows:

22

23 DIRECT EXAMINATION

24 By: Mr. Platania

25

1 Q Brant that's a microphone and it amplifies  
2 pretty well but if you could just direct your answers to  
3 the jury. Would you state and spell for the record your  
4 first and last name.

5 A Brant Meyer, B-r-a-n-t M-e-y-e-r.

6 Q How are you currently employed?

7 A I'm a staff operation specialist with the FBI.

8 Q What is a staff operation specialist?

9 A So basically I'm a tactical analyst imbedded  
10 on an investigative squad and that would be a tactical ana-  
11 lyst versus a strategic analyst and what that means is a  
12 strategic analyst would look at a big picture threat and do  
13 research on that. A tactical analyst is just looking at a  
14 specific case, a specific individual. And my job more or  
15 less is to do research and analysis, document that in writ-  
16 ing and summarize large piles of information and data and  
17 synopsize that for case agents so that they can make deci-  
18 sions to help move an investigation forward.

19 Q You said you're employed by the FBI, correct?

20 A Correct.

21 Q Is there a federal local partnership that ex-  
22 ists in this area and if there is, can you tell us a little  
23 bit about it?

24 A Yes.

25 Q And your role in it.

1           A    Sure.  We work with state and local law en-  
2   forcement as well as other federal law enforcement quite  
3   frequently.  The FBI also has task forces specifically set  
4   up where we have full time state and local partners that  
5   sit with us.  Examples would be joint terrorism task force  
6   as well as safe streets gang task force and there's numer-  
7   ous others, but those are two that we have in Char-  
8   lottesville.

9           Q   Drawing your attention to August 12<sup>th</sup>, 2017,  
10   what was your role as an FBI SOS on that day?  Who were you  
11   working with, what were you doing?

12          A    Sure.  So we had agents and analysts imbedded  
13   in the command post with the Charlottesville Police Depart-  
14   ment and I was in a support role at the office should any-  
15   thing take place, but a lot of that was also preparation  
16   leading up to the event and sharing any intelligence that  
17   we had.

18          Q    Can you talk a little bit about open source,  
19   just very generally, open source information and any expe-  
20   rience or training you have related to that and sort of  
21   what it means just as an overview?

22          A    Sure.  So I'm certified as a trainer for open  
23   source intelligence and online operational security.  And  
24   basically that's just a long way of saying I help train  
25   other FBI employees to find things, not just online but

1 just through open publicly available sources, and so I  
2 train colleagues in that. I've also conducted trainings  
3 outside of the FBI in that.

4 Q Related, you talked about sometimes you'll  
5 help case agents and that's sometimes for federal cases  
6 there's a federal case agent but the jury has heard from  
7 Corporal Steve Young who is the case agent for the prosecu-  
8 tion of this matter. Did you become involved in assisting  
9 Corporal Young as a case agent for the case that we're here  
10 about?

11 A I became involved in helping the local and  
12 state investigation more broadly, though I didn't work di-  
13 rectly with Detective Young.

14 Q As part of that, working with those different  
15 folks, did you conduct an analysis of a Facebook search  
16 warrant return?

17 A I did.

18 Q I'm going to ask you to just briefly walk  
19 through kind of at macro level what an identifier is and  
20 how you get them and once you get them what you do with  
21 them to sort of search different things and then apply for  
22 search warrants just to capture it and analyze it. That  
23 was a very long question, but I know you can simply what  
24 I'm trying to ask.

25

1           A   Sure.   So broadly speaking we're trying to  
2   link a social media account with a subject of interest.  
3   Usually what we'll start with is an identifier and that's  
4   just a name for an email address, a phone number, user  
5   name, nickname, other social media monikers, anything that  
6   we already know is identified with our subject of interest.  
7   We start with that and then use open source intelligence  
8   techniques which is a short way of saying looking online in  
9   an attempt to find other social media accounts that may be  
10   linked with those known identifiers. And then usually what  
11   happens is once we have a known identifier and we find a  
12   social media account associated with it. We will then  
13   serve a subpoena or a search warrant if we have probable  
14   cause. And then once we receive those returns from the so-  
15   cial media company be it Facebook, Instagram, whatever it  
16   is, I would then perform analysis on that to further cor-  
17   roborate that it does indeed belong to the subject and it  
18   can go beyond just searching online for stuff. There are  
19   other investigative methods when agents do interviews with  
20   witnesses or family members or other people can say yes,  
21   that's his phone number, that's his email address and  
22   that's his social media handle and all of that broadly took  
23   place conducting the analysis of both the Facebook and In-  
24   stagram page.

25



1 Q During the course of the investigation was a  
2 search warrant issued related to the Facebook account of  
3 the defendant, James Alex Fields, Jr.?

4 A Yes.

5 Q And that search warrant was served and you re-  
6 ceived what's called a return.

7 A Yes.

8 Q What's a return?

9 A So basically that's the totality of the data  
10 that a user has generated while using their social media  
11 account and in terms of the specifics of how we actually  
12 receive that, every social media company is different in  
13 how they provide that. For Facebook and Instagram specifi-  
14 cally it comes in two formats. One is a giant PDF and that  
15 could be anywhere from five thousand (5,000) to fifty thou-  
16 sand (50,000) pages depending on how long the account has  
17 been open, how much activity they've had on it. And then  
18 the other format we receive it in usually a series of zip  
19 files which is just compressed file folders. And usually  
20 what you can find in there that you wouldn't be able to  
21 find in the PDF would be media, so videos and audio that  
22 you couldn't just imbed in a PDF file. So for Facebook and  
23 Instagram specifically, they're owned by the same company,  
24 that is generally how we receive the returns from the  
25 search warrant.

1 Q If an individual has a Facebook account, is  
2 there a feature that I'll call geo location or location  
3 history?

4 A Yes. You can enable that and it can track  
5 your location essentially.

6 Q The Facebook return associated with Mr. Fields  
7 did have geo location and the location history was enabled  
8 from July 19<sup>th</sup> of 2017 to August 12, 2017?

9 A That's correct.

10 Q You conducted an analysis of that?

11 A I did.

12 Q Judge, move to admit and public Commonwealth's  
13 167.

14 THE COURT: Any objection to 167?

15 MR. HILL: No objection.

16 THE COURT: So 167 will be admitted.

17 Q And, Judge, I'll describe it as a geo location  
18 data file.

19 THE COURT: All right.

20

21 (Commonwealth's Exhibit #167 was received into  
22 evidence at this time.)

23

24 Q So we'll get into some of the specifics, but  
25 for the record it looked like there was just an overview of

1 the United States and it sort of zoomed in onto a certain  
2 location with a bunch of dates and times and what looks  
3 like sort of a dark line. Just walk through what we're  
4 looking at before we get into any of the specifics.

5 A Sure. So basically the location history that  
6 Facebook gave back came in a PDF.

7 Q And I'm sorry to interrupt but if you need---

8 A Sure.

9 Q There should be an extendible pointer.

10 A Sure.

11 Q If you need to point to anything on the  
12 screen.

13 A Okay.

14 THE COURT: Could I even go a little further than  
15 that? I mean, this day and time people are learning more  
16 and more, but I know what a PDF file is.

17 A Sure.

18 THE COURT: But somebody might not.

19 A Sure.

20 THE COURT: And if you could just tell us what  
21 you mean when you say it's a PDF.

22 A Sure. It's just a, kind of like a word docu-  
23 ment almost.

24 THE COURT: Except?  
25

1           A   Except it doesn't, it doesn't have media or  
2 audio in it and usually with a PDF file you can't alter it  
3 or edit it usually. That would be the difference between  
4 just a general word processing file.

5           THE COURT: So it's almost like a picture of a  
6 document.

7           A   Correct, correct.

8           THE COURT: Okay.

9           A   And when those Facebook returns come, they ba-  
10 sically, if you're familiar with Facebook, there's lots of  
11 different activity you can take place, whether that be com-  
12 menting on things, direct messaging with someone else and  
13 then a PDF file, it will basically have categories and it  
14 will say location history and in that section it literally  
15 listed out the date and time and the latitude and the lon-  
16 gitude coordinates for the time that that was enabled. So  
17 that's what came to us from the search warrant from Face-  
18 book, and then I took that, made sure that the time came in  
19 universal time code. I switched it to eastern standard  
20 time and then basically imported it to a Google earth file  
21 so that you could geographically display what those points  
22 were as opposed to just knowing what latitudes and longi-  
23 tudes met along the map. So this is a visual representation  
24 of the location history that Facebook gave us back with  
25

1 dates and time and the latitudes and longitudes, and that's  
2 what the labels are on the map.

3 THE COURT: Okay, thank you.

4 Q Feel free to continue to help clarify. So if  
5 someone has a phone and they're traveling between August  
6 11, 2017 and the 12<sup>th</sup> and they've got a phone and their geo  
7 location history is enabled, it tracks them, is that---

8 A Correct.

9 Q Basically?

10 A Yes.

11 Q And it's hitting off of, it's doing something  
12 to sort of, we know where the phone is moving.

13 A Yeah. It's using GPS technology on the phone  
14 to capture those latitudes and longitudes.

15 Q And again, I want to talk about the timeframe  
16 of August 11, 2017 to August 12, 2017. Ms. Antony, are you  
17 able to isolate anything between 16:40 and 16:50:09 as far  
18 a pin that we can zoom in on?

19 MS. ANTONY: On August 11?

20 Q Yes. So before you, before you do anything, I  
21 want to just make a record of what you're doing. So Ms.  
22 Antony is typing in the word in the upper left, Dunbridge  
23 and it's in a box next to something that says search.  
24 What's that function on Google earth which is what we're  
25 looking at?

1           A   Yeah, it's basically just to be able to search  
2 and zoom in on the specific geographic location.

3           Q   I think some of the data is still filling it-  
4 self in, but is Dunbridge a location that's still in Ohio?

5           A   Yes.

6           Q   And this is August 11, 2017 at 16:40. You  
7 said you converted it. So what time is Mr. Fields still  
8 looking like he's in Ohio on August 11<sup>th</sup> of 2017?

9           A   Right. So you can see there I have the origi-  
10 nal UTC time and the eastern standard time of 16:40 which  
11 is, you know, just before five o'clock on August 11<sup>th</sup>, 2017.

12          Q   And then at some point shortly thereafter the  
13 phone start tracking from Ohio all the way into Char-  
14 lottesville, Virginia.

15          A   Correct.

16          Q   And that's from the afternoon or early evening  
17 on the 11<sup>th</sup> all the way into the very early morning hours of  
18 August 12<sup>th</sup>, 2017.

19          A   Correct.

20          Q   I have what's in front of you marked for iden-  
21 tification as 168 and 169. Are those just two exhibits  
22 that show the path of travel with date and time?

23          A   Correct.

24          Q   Judge, move in 168 and 169. There's not a mo-  
25 tion to publish them at this point.

1 THE COURT: Any objection?

2 MR. HILL: No objection to either of those.

3 THE COURT: So they'll both be admitted.

4

5 (Commonwealth's Exhibits #168 and #169 were re-  
6 ceived into evidence at this time.)

7

8 Q Sometimes technology is a good thing and some-  
9 times it's not. We didn't have this problem with our pic-  
10 tures. So does it basically show, though, if we get back  
11 into it, he does get into Charlottesville on the early  
12 morning hours of August 12<sup>th</sup>, 2017?

13 A That's correct.

14 Q So you talked about a Facebook return. What  
15 is Instagram?

16 A Instagram is another social media platform.  
17 The distinction would be it's primarily for sharing photos,  
18 although it has a lot of the same functionality of Facebook  
19 in the sense that individual Instagram users can communi-  
20 cate publicly with each other, but also directly and in  
21 private with each other and the search warrant return we  
22 got from Instagram would include the totality of that ac-  
23 tivity.

24 Q Again, using the same techniques with identi-  
25 fiers you have previously described, were you able to

1 locate an Instagram account that you associated with James,  
2 Alex Fields, the defendant in this case?

3 A Yes.

4 Q And did a judge issue a search warrant that  
5 gave you the return that you were able to analyze?

6 A Yes.

7 Q And you were looking for specific items of in-  
8 terest.

9 A Yes.

10 Q Are you able to locate what's been marked for  
11 identification in front of you as Commonwealth's 170?

12 A Yes.

13 Q Move to admit and publish Commonwealth's 170.

14 THE COURT: Any objection to 170?

15 MS. LUNSFORD: Is this the post that was the sub-  
16 ject of the earlier motion?

17 Q I'm sorry.

18 MS. LUNSFORD: Subject to the previous objection,  
19 Your Honor.

20 THE COURT: All right. I've already made a rul-  
21 ing on it but it will be admitted over defense objection.

22

23 (Commonwealth's Exhibit #170 was received into  
24 evidence at this time.)

25



1 Q One seventy (170). If you could zoom in. So  
2 at the top it says May 12, 2017, private message to  
3 Jamicus. We're going to talk about that in a second, but  
4 was that added by Ms. Antony and I just to put the date?

5 A Yes.

6 Q And let's show what the image is. So this is  
7 something that Mr. Fields sent to someone else.

8 A Correct.

9 Q On his Instagram account.

10 A Correct.

11 Q If you can walk through who Jamicus was and  
12 how you know it was a sent image to that person.

13 A Sure. That's the Instagram handle for another  
14 Instagram user and in the Instagram search warrant return  
15 it indicated that Mr. Fields' account sent this image to  
16 the other Instagram user and it marks basically if you're  
17 sending a message in private versus if you're posting some-  
18 thing publicly and it also gives a date and a time when  
19 that activity took place.

20 Q And from May 2<sup>nd</sup> to May 12<sup>th</sup> the time period  
21 preceding this, they had had over a hundred communications  
22 back and forth with each other.

23 A That's correct.

24

25

1 Q So this is an image that Mr. Fields, kind of  
2 likes a text message, it's just Instagram sends to someone  
3 else.

4 A Correct. He posted, he sent to photo to  
5 Jamicus.

6 Q If you could look in front of you, it's what's  
7 been marked for identification as Commonwealth's 171.

8 A Yes.

9 Q Did you also obtain that, locate that during  
10 your analysis?

11 A I did.

12 Q Judge, move to admit and publish Common-  
13 wealth's 171.

14 THE COURT: All right, so 171 is also one that I  
15 previously ruled on and will admit it over defense objec-  
16 tion.

17 MS. LUNSFORD: Thank you, Judge. We would note  
18 that objection.

19  
20 (Commonwealth's Exhibit #171 was received into  
21 evidence at this time.)  
22

23 Q And again, the upper left is the date that Ms.  
24 Antony and I put just to assist the jury, but you saw date  
25

1 imbedded in what you were looking at that confirmed the  
2 date of May 16<sup>th</sup>, 2017.

3 A Correct.

4 Q So you just talked about in Commonwealth's 170  
5 a private message to Jamicus and this one is marked differ-  
6 ently. This is marked a public post to Instagram. What's  
7 the difference between the May 16<sup>th</sup> and the earlier.

8 A Sure. So the first one was sent directly to  
9 Jamicus, almost like you would use Instagram to text mes-  
10 sage someone directly, whereas this one was published to  
11 his account so anyone that was following his account could  
12 have seen this second image.

13 Q Thank you, Ms. Meyer. Those are all my ques-  
14 tions.

15 THE COURT: All right. Mr. Hill, do you want to  
16 go into cross now?

17 MR. HILL: Yes, sir.

18 THE COURT: Okay.

19

20 CROSS-EXAMINATION

21 By: Mr. Hill

22 Q Mr. Meyer, the image that we just that was  
23 posted publicly on Instagram was later deleted, correct?

24 A Correct.

25 Q Do you know when it was deleted?

1 A No, sir,

2 Q The image, Commonwealth's Exhibits 170 and 171  
3 I'll refer to as memes. Is that correct?

4 A Yes.

5 Q And were you able to determine in your inves-  
6 tigation whether that was, that image with the particular  
7 writing on it was created by Mr. Fields or whether it was  
8 created by in some other location and then copied?

9 A I was not able to determine that. I was able  
10 to determine that that image and caption existed online  
11 previously, but I can't tell who created it.

12 Q Online in other locations or websites where  
13 someone from the public could make a copy of it.

14 A Sure.

15 Q The---in your analysis of Mr. Fields Facebook  
16 account with the geo location data you were able to pin-  
17 point his location within the City of Charlottesville as  
18 well, correct?

19 A Correct.

20 Q Were you able to determine where he was on the  
21 afternoon of August the 12<sup>th</sup>, 2017 within the City of Char-  
22 lottesville?

23 A There were a number of geo location points  
24 during that time.

25

1 Q Do you have that information readily available  
2 on your memory or is---

3 A I think, I mean, there were hundreds of  
4 points. You could ask me and I can tell you if I remember  
5 specifically him being at that point, but I can't guarantee  
6 that I'm going to know those off the top of my head.

7 Q Do you recall---

8 MR. PLATANIA: In fairness to Mr. Hill. I think  
9 we probably are going to be able to get---

10 MS. ANTONY: I can see if I can try to pull that  
11 up again. It just was being quirky and I'm---

12 THE COURT: Okay.

13 Q Let me ask the witness and then if you can't  
14 we'll---

15 MS. ANTONY: I'm sorry, Mr. Hill. Would you like  
16 me to try to bring it up while you ask or just not distract  
17 while you're asking.

18 Q Yeah, yeah, right. Let's not waste any time.  
19 If you could do it while I'm asking. If it comes up,  
20 great, if it doesn't we'll---

21 MS. ANTONY: Yes, sir.

22 Q Do it the hold fashioned way. Do you recall  
23 when he was---there's been testimony that Mr. Fields was at  
24 Emancipation Park on the late morning, early afternoon of  
25

1 2012. Were you able to confirm that through the geo loca-  
2 tion data?

3 A That sounds accurate.

4 Q And if I told you that he was at the park at  
5 least until quarter of twelve that day, would that sound  
6 accurate to you?

7 A That would sound accurate without looking, but  
8 that sounds accurate.

9 Q And were you also able to locate him through  
10 the City of Charlottesville later on that afternoon with  
11 local coordinates at approximately 1:30 at 3<sup>rd</sup> and Water  
12 Street?

13 A That sounds accurate.

14 Q And then at 1:36 between Water and the Belmont  
15 Bridge?

16 A Sounds right.

17 Q And then at 1:38 at 5<sup>th</sup> and Jefferson?

18 A Uh-huh, yes.

19 Q And then at 1:40 on 4<sup>th</sup> at the Main Street  
20 Mall, is that correct?

21 A That's correct.

22 Q Facebook allows you to turn that geo location,  
23 I guess, locator off, correct?

24 A Correct.

25

1 Q So if you didn't want anybody to know where  
2 you were, you could turn that particular---

3 A Yes.

4 Q Okay. Good to know. All right. Judge, I  
5 think that's all the information that we need to ask Mr.  
6 Meyer. Thank you. Thank you, Ms. Antony, for trying.

7 THE COURT: All right, thank you. Any redirect?

8 MR. PLATANIA: No, sir, and we apologize. We had  
9 it working better, so no further questions. If they want  
10 to get into it later but---

11 THE COURT: Okay. Do you want to ask that he be  
12 excused?

13 MR. PLATANIA: Why don't we---this is a very good  
14 spot to take a lunch break. Maybe the attorneys can confer  
15 with him.

16 THE COURT: That's fine. Do you want to have him  
17 remain available for right now?

18 MR. HILL: For right now.

19 THE COURT: Okay, sure. So you're not released  
20 from your subpoena yet. We are going to take a break, a  
21 recess and we'll go ahead and take our lunch break now and  
22 members of the jury, every day is different. Given the  
23 fact that we may have some legal things to take up, I think  
24 I'm going to give you an hour and fifteen (15) minutes.  
25 Any objection to that? So if you can be back here by 2:20